UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN E. ARTHUR,

Plaintiff, Civil Action No. 18-CV-10280

vs. HON. BERNARD A. FRIEDMAN

FIRSTSOURCE ADVANTAGE, LLC,

Defendant.
_____/

OPINION AND ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

This matter is presently before the Court on defendant's motion to dismiss the complaint [docket entry 2]. Plaintiff has not responded to this motion, and the time for him to do so has expired. Pursuant to E.D. Mich. LR 7.1(f)(2), the Court shall decide this motion without a hearing.

Plaintiff commenced this action in the small claims division of Michigan's 36th District Court. The complaint alleges in its entirety: "Third Party Debt Collector seeking to collect on a debt that has been satisfied and also a claim against the debt collector in response to its violations of the Fair Debt Collection Practices Act." Compl. ¶ 9.

Defendant seeks dismissal pursuant to Fed. R. Civ. P.12(b)(6). Defendant correctly notes that

> While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). Courts "are not bound to accept as true a legal conclusion couched as a factual allegation." *Id*. Moreover, "threadbare recitals of the elements of a cause of action, supported by mere conclusory statements" do not survive a motion to dismiss. *Id*. at 1949; *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

Def.'s Br. at 2. The Court recognizes that plaintiff commenced this action as a small claims matter,

and that the pleading standards in that court are less demanding. Nonetheless, plaintiff indicates that his claim is based on a federal statute, and this entitled defendant to remove the matter this Court where the pleading standards are more rigorous. Had plaintiff requested, the Court would have permitted him to amend his complaint to comply with federal pleading rules. As noted, however, plaintiff has not responded to defendant's motion, which leaves the Court with no alternative but to dismiss the complaint for the reasons presented. Accordingly,

IT IS ORDERED that defendant's motion to dismiss is granted.

Dated: February 23, 2018
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 23, 2018.

s/Johnetta M. Curry-Williams
Case Manager